

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**JACKSON LEWIS LLP  
One North Broadway, Suite 1502  
White Plains, New York 10601  
(914) 328-0404**

**Attorneys of Record:**

**Greg A. Riolo (GR 1634)**

**Michael A. Frankel (MF 9712)**

-----X  
ISHA WESTERN,

Plaintiff,

07 Civ. 6247 (PKC)

-against-

DEFENDANT'S NOTICE OF  
MOTION TO DISMISS

AMERIPATH, INC.,

Defendant.

-----X

To: Ms. Isha Western  
2081 Fontainebleau Drive  
Conyers, Georgia 30094  
Plaintiff *Pro Se*

PLEASE TAKE NOTICE THAT, on a date to be set by the Court, before The Honorable P. Kevin Castel, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 12C, New York, New York 10007, Defendant Ameripath New York, Inc., by and through its attorneys, Jackson Lewis LLP, will hereby move this Court, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for an Order granting Defendant's Motion to Dismiss.

PLEASE TAKE FURTHER NOTICE, that in support of the instant motion, Defendant will rely on the accompanying Memorandum of Law and the Affirmation of Michael A. Frankel, Esq., with exhibits, submitted in support of the instant motion.

PLEASE TAKE FURTHER NOTICE, that Plaintiff's answering papers, if any, must be served on Defendant by **November 2, 2007**. Defendant's reply papers, if any, shall be served on or before **November 9, 2007**.

Respectfully submitted,

JACKSON LEWIS LLP  
One North Broadway, Suite 1502  
White Plains, New York 10601

By: Michael Frankel  
Greg A. Riolo (GR 1634)  
Michael A. Frankel (MF 9712)

*Attorneys for Defendant Ameripath New  
York, Inc.*

Dated: October 19, 2007  
White Plains, New York

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 19, 2007, I served a true and correct copy of Defendant's Notice of Motion to Dismiss, via Federal Express Overnight Delivery and First Class U.S. Mail, postage pre-paid, upon Plaintiff, Isha Western, at her current address:

Ms. Isha Western  
2081 Fontainebleu Drive  
Conyers, Georgia 30094

Michael Frankel  
Michael A. Frankel